

Panaji, 4th August, 1983 (Savana 13, 1905)

SERIES II No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Administrative Reforms Division

Notification

No. 3/137/83-ARD

In continuation of this Department's notification of even number dated 27-6-1983 published in the Official Gazette No. 14 Series II dated 7-7-1983 regarding setting up a commission to examine and review the working of the existing arrangements between the Union and States in regard to powers, functions and responsibilities in all spheres, the following notification bearing No. IV/11017/1/83-CSR dated 7-7-1983 issued by the Government of India, Ministry of Home Affairs, New Delhi, which was published in the Extraordinary Gazette of India (Part I Sec. I) dated 7-7-1983 is hereby republished in the Official Gazette for the general information of the public.

D. S. Shirodkar, Management Analyst to the Govt. of Goa, Daman and Diu.

Panaji, 23rd July, 1983.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th July, 1983

Notification

No. IV/11017/1/83-CSR

In partial modification of the notification of the Government of India in the Ministry of Home Affairs No. IV/11017/1/83-CSR, dated the 9th June, 1983, and published in the Gazette of India Extraordinary Part I Section I, dated the 9th June, 1983 setting up a Commission to examine and review the working of the existing arrangements between the Union and States in regard to powers, functions and responsibilities in all spheres, it has been decided that in addition to Shri R. S. Sarkaria who shall be the Chairman of the said Commission, the Commission shall consist of two other members.

2. Shri B. Sivaraman is hereby nominated as a member of the said Commission and the name of the other member will be notified later.

Sd/-

(S. VARADAN)

7-7-1983

Additional Secretary to the Government of India.

Planning Department

Notification

No. 10-26-81-PLG(Part)

The Administrator of Goa, Daman and Diu is pleased to constitute a Special Monitoring Committee consisting of the following persons to review the working of the Tribal Sub-Plan, Daman and Rural Development Programme in Daman and Diu, namely:—

- 1) The Secretary, Rural Development — Chairman.
- 2) The Collector of Daman, Daman — Member.
- 3) M. L. A., Daman — Member.
- 4) A representative of the tribal community of Daman (to be nominated by the Collector, Daman) — Member.
- 5) The Block Development Officer, Daman — Convenor.

The Monitoring Committee should meet at least once in three months to undertake a detailed review of the working of both the Programmes i.e. the Tribal Sub-Plan, Daman and the R. D. Programme, Daman. This Committee will also review the working of the R. D. A. in the District of Diu, since the Asstt. Project Director, Daman is also in charge of the RDA Programmes in Diu. The said Committee besides reviewing the progress will also ensure that all the hurdles, problems and difficulties coming in the way of smooth implementation of the programmes are removed. The Committee will also try to enlist cooperation of the banks in ensuring adequate supply of institutional finance.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Verekar, Planning Officer.

Panaji, 27th July, 1983.

Forest and Agriculture Department

Order

No. 2-10/77-AGR

Shri Fernando Rego, District Training Officer, Farmers Training Centre, Ella, Old Goa is hereby transferred and posted against the vacant post of Banana Development Officer (Head Quarter) with immediate effect relieving Shri P. K. Dessai, Subject Matter specialist of the additional charge.

2. Shri Fernando Rego will also hold the charge of the current duties of the post of District Training Officer, Farmers Training Centre, Ella, Old Goa in addition to his own duties until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 25th July, 1983.

Order

No. 2-7-78/AH

Sanction is hereby accorded to the extension of the period of deputation of Dr. S. K. Usgaonkar, Principal, Stockman Training Centre, Directorate of Animal Husbandry and Veterinary Services, Panaji to the post of Production Superintendent to the Goa Meat Complex Ltd. for a further period of one year with effect from 1-6-1983.

Certified that Dr. S. K. Usgaonkar, Principal, Stockman Training Centre, Directorate of Animal Husbandry and Veterinary Services, Panaji would have continued to officiate in the posts but for his going on foreign service to the Goa Meat Complex Ltd.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman & Diu.

Panaji, 28th July, 1983.

Local Administration and Welfare Department

Notification

No. 6-11-78-LSG

In exercise of the powers conferred by Section 56 of the Children Act, 1960 (Act 60 of 1960), the Administrator of Goa, Daman and Diu hereby directs that the powers exercisable by him under Section 48 of the said Act, shall be exercisable also by the Director of Social Welfare, Government of Goa, Daman and Diu, Panaji, with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 28th July, 1983.

Office of the Asstt. Registrar of Cooperative Societies

No. 1/23/79-LQD/Amone-Seva/ARNZ/82

Read:— This office Order No. 1/23/79-LQD/Amone-Seva/ARNZ/82, dated 16th June, 1982, extending the period of the Liquidator of Amone V. K. S. S. Society Ltd., Amone, upto 14-1-1983.

Order

In virtue of the powers vested in me under Sub-Section (1) of Section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone, Mapusa hereby extend the period of the Liquidator of the Amone V. K. S. S. Society Ltd., Amone, Bicholim upto 14-1-1984.

Sd/-

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 25th June, 1983.

No. 1/26/67-LQD/Sal-Seva/ARNZ/1982

Read:— This office Order No. 1/26/67-LQD/Sal-Seva/ARNZ/82 dated 16th July, 1982, extending the period of the Liquidator of Sal V. K. S. S. Society Ltd., Sal, Bicholim upto 14-1-1983.

Order

In virtue of the powers vested in me under Sub-Section (1) of Section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Cooperative Societies, North Zone, Mapusa hereby extend the period of the Liquidator of the Sal V. K. S. S. Society Ltd., Sal, Bicholim upto 14-1-1984.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 25th June, 1983.

No. 1/21/75-LQD/Bardez-Handloom/ARNZ

Read:— This office Order No. AR/NZ/IND/12/30, dated 23-2-1980, appointing Shri E. R. Kauthankar, Jr. Inspector of Coop. Societies, North Zone, Mapusa as a Liquidator of Bardez Handloom Weavers Co-operative Audyogik Utpadak Society Ltd., Bastora, Bardez-Goa.

Order

In virtue of the powers vested in me under Sub-Section (1) of Section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Cooperative Societies, North Zone, Mapusa hereby extend the period of the Liquidator of Bardez Handloom Weavers Co-operative Audyogik Utpadak Society Ltd., Bastora, Bardez-Goa upto 22-2-1984.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 24th June, 1983.

No. 1/25/70-LQD/Mayem-Wainguinim/ARNZ/83

Read:— This office Order No. 1/25/70-LQD/Mayem-Wainguinim/ARNZ/82, dated 16th July, 1982, extending the period of the Mayem-Wainguinim V. K. S. S. Society Ltd., Mayem-Bicholim, upto 16-1-1983.

Order

In virtue of the powers vested in me under Sub-Section (1) of Section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Cooperative Societies, North Zone, Mapusa hereby extend the period of the Liquidator of Mayem Wainguinim V. K. S. S. Society Ltd., Mayem-Bicholim, upto 16-1-1984.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 24th June, 1983.

No. 1/28/65-LQD/Borde-Seva/ARNZ/83

Read:— This office Order No. 1/28/65-LQD/Borde-Seva/ARNZ dated 7th June, 1982, appointing Shri P. B. Vernekar, Bank Inspector, as the Liquidator of the Borde Langao V. K. S. S. Society Ltd., Bordem, Bicholim in place of Shri A. V. Shinde.

Order

In partial modification of this office Order referred to above, Shri M. A. Desai, Bank Inspector, the Goa State Co-op. Bank Ltd., Bicholim-Branch, is hereby appointed as Liquidator of Bordem Langao V. K. S. S. Society Ltd., Bordem-Bicholim in place of Shri P. B. Vernekar, with effect from the date of taking over the charge.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 24th June, 1983.

Notification

In exercise of the powers vested in me under Section 9 (1) of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, Kalpataru Sahakari Audyogik Utpadak Sanstha Ltd., Keri-Pernem-Goa is registered under Code Symbol No. PRD-(a)-4/NZ/Goa.

Sd/-

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 21st June, 1983.

Certificate of Registration

Kalpataru Sahakari Audyogik Utpadak Sanstha Ltd., Keri-Pernem-Goa has been registered on 21st June, 1983 and it bears registration Code Symbol No. PRD-(a)-4/NZ/Goa and it is classified as a Producers Society under Sub-Classification No. 7 (a) Industrial Producers' Society in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

Sd/-

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 21st June, 1983.

Revenue Department

Notification

No. 22/59/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Expansion of 110 KV Sub-Station at Tivim (Additional Area).

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compen-

sation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Dy. Collector (Land Acquisition Officer), Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Dy. Collector (Land Acquisition Officer), Panaji.
3. The Chief Electrical Engineer, Vidyut Bhavan, 3rd Floor, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Land Acquisition Officer) Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Tivim	27	33	Paulina Rocha.	700.00
				34	Lurdina Severina Simoes.	800.00
				35	Maria Santana Rocha.	500.00
				36	Julio Rocha.	625.00
				37	Sabina Rocha.	725.00
				38	Luiza Carmilina Rocha.	600.00
				39	Luiza Carmilina Rocha.	1900.00
				40	Victor Luis Menezes, Marcil Menezes, Jairam Menez.	750.00
				41	Sebastina Castado Menezes, Maria Brisind Menezes.	600.00
				42	Philosdad D'Souza.	900.00
					Luiza D'Mello.	
			28	22 part	Paulina Rocha.	35.00
				23 "	Lurdina Severina Simoes.	32.00
				24 "	Maria Santana Rocha.	40.00
				25 "	Julia Rocha.	25.00
				26 "	Sabina Rocha.	25.00
				27 "	Jose Vitorio Rocha.	25.00
				28 "	Luisa Carmolina Rocha.	100.00
				29 "	Victor Luisa Menezes, Marcil Menezes, Jairam Menezes.	25.00
				30 "	Selestina Castado Menezes, Maria Brizinoi Menezes.	40.00
				31 "	Palicidade D'Souza.	75.00
			25	2 "	Comunidade.	1300.00
				7 "	Comunidade.	475.00
				8 "	Comunidade.	325.00
				9 "	Comunidade.	1675.00
Total						12097.00

Boundaries:

North: S. No. 27/32, 28/21, 25/8, 7 & 2.

South: Nalla.

East: Survey No. 25, Sub-Div. No. 2.

West: Survey No. 28, Sub-Div. No. 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue-I).

Panaji, 26th July, 1983.

Notification

No. 22/104/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. construction of Irrigation Complex at Gogal, Margao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Special Land Acquisition Officer (SIP), Sanguem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Special Land Acquisition Officer (SIP), Sanguem.
3. The Executive Engineer, Works Division IX (ID) Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer (SIP) Sanguem for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Gogal/Margao	118	2	1. Shri Caetano Lawrence Faleiro. 2. Shri Joaquim Manuel Faleiro. 3. Shri Pedro Faleiro. 4. Smt. Rufina Faleiro.	11293.00
			119	1, 7, 8, 9, 10, 11, 12, 13 & 18	1. Shri Caetano Lawrence Faleiro. 2. Shri Joaquim Manuel Faleiro. 3. Shri Pedro Faleiro. 4. Smt. Rufina Faleiro.	1090.00
Boundaries:						
North: Caetano Lawrence Faleiro, Joaquim Manuel Faleiro.						
South: Caetano Lawrence Faleiro, Joaquim Manuel Faleiro.						
East: Caetano Lawrence Faleiro, Joaquim Manuel Faleiro.						
West: Caetano Lawrence Faleiro, Joaquim Manuel Faleiro, Fenelon Rebello.						
Total						12383.00

This supersedes earlier Government Notification No. 22/104/81-RD dated 27-8-1981 published in the Official Gazette No. 24 Series II dated 10-9-1981.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue-I).

Panaji, 29th July, 1983.

Notification

No. 22/102/81-RD

Whereas by Government Notification No. 22/102/81-RD dated 20-1-1982 published on page 511 of Series II, No. 44 of the Official Gazette, dated 30-1-1982 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Playground for Our Lady of Fatima Convent High School at Moti Daman, Daman.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector of Daman, Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Daman	Moti Daman Fort Area	1/PTS-69 New Provisional City Survey Records		1. Abubakkar Musaji Chaiwala, Mahmood Musaji Chaiwala, Badruddin Musaji Chaiwala. 2. Bhikha Baba Patel.	3,042.00
Total						3,042.00

By order and in the name of the Lt. Governor of Goa, Daman & Diu.

A. S. Ingle, Under Secretary (Revenue — I).

Panaji, 29th July, 1983.

Public Health Department

Order

No. 5-63-82/PHD

On the recommendations of the Union Public Service Commission and in consultation with the Government of India, the Lt. Governor of Goa, Daman and Diu is pleased to appoint Dr. Surendra Sharma to the post of Professor of Orthopaedic Surgery, Goa Medical College, Panaji on an initial pay to be fixed according to rules in the pay scale of Rs. 1800-100-2000-125/-2-2250 plus N.P.A. of Rs. 600/- p.m. with effect from the date he takes over until further orders. His appointment is subject to the terms and conditions mentioned in Government Memorandum of even number dated 27-4-1983. Dr. Sharma shall take over charge of the post by 30-8-1983.

Dr. Sharma has already been declared medically fit at the time of his appointment with the Central Health Services of the Government of India.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 28th July, 1983.

Order

No. 5-14-82/PHD

Read: 1) Memorandum No. 5/14/82-PHD dated 22-9-1982.
2) Order No. 5/14/82-PHD dated 4-1-1983.

The Memorandum dated 22-9-1982 offering the post and order dated 4-1-1983 referred to above appointing Dr. M. R. Goel to the post of Associate Professor of Forensic Medicine in Goa Medical College, Panaji are hereby cancelled as the incumbent did not join the post by the prescribed dates.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Badri, Under Secretary (Health).

Panaji, 26th July, 1983.

Order

No. 6/11/82-PHD

On the recommendation of the Union Public Service Commission, Dr. (Miss) Usha G. Savaikar is hereby appointed to the post of Medical Officer/Rural Medical Officer under the Directorate of Health Services on regular basis and posted at Primary Health Centre, Curchorem against the vacancy caused due to the transfer of Dr. R. K. Lad, Medical Officer, on the terms and conditions contained in the Govern-

ment Memorandum No. 5/140/80-PHD-Vol. I, dated 23-2-1983. Dr. (Miss) Savaikar should report to her place of posting immediately.

The doctor has already been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Badri, Under Secretary (Health).

Panaji, 25th July, 1983.

Industries and Labour Department

Order

No. 5/86/79-ILD

Whereas Shri Silvano Oscar Pereira from Utorda-Majorda, Salcete, Goa (hereinafter called "the lessee") had been granted a mining lease under Mining Lease Deed registered under No. 8/NSD/Sil/70, dated 11-5-1970 over an area of 7.4180 Ha. situated at Arossim Village of Mormugao Taluka (hereinafter called the "said mining lease") for a mineral, namely Silica Sand (hereinafter called the "said mineral");

And whereas the said lessee has found out that the extraction of the said mineral from the said mining lease has not been possible on health grounds;

And whereas the said lessee has applied to the Government for surrender of the said mineral from the said mining lease;

And whereas the said lessee has complied with the conditions as laid down under rule 29 of the Mineral Concession Rules, 1960;

Now, therefore, in exercise of the powers conferred by rule 29 of the Mineral Concession Rules, 1960 and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby permits the lessee to surrender the said mineral from the said mining lease, with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 23rd July, 1983.

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 25th July, 1983.

**IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/19/80

1. Kum. Milan Parab. — Applicant
V/s.

1. Cumberjua Vividh Karyakari — Opponent
Seva Sahakari Society Ltd.

Applicant represented by Adv. A. Nigalye.

Opponent represented by Shri L. R. Ferrao, Labour Advisor.

Panaji. Dated: 4-5-1983

AWARD

The above applicant filed an application before this Court claiming from the opponent the total amount of Rs. 2,130/-, as per the details given in the annexure.

2. The applicant's case is that she was working in the opponent's establishment at Cumberjua from 1974 in a clerical post, designated as Secretary, with a monthly salary of Rs. 130/-. The Minimum Wage Act was made applicable to Shops and Establishments in Goa from 1-2-1979 and the Govt., by notification, has fixed the minimum wages of different categories of workmen. Regarding the applicant's category, the minimum wages fixed by the notification is at the rate of Rs. 208/- per month, which the applicant is entitled to receive from 1-2-1979. She has now claimed the difference from 1-2-1979 till 30-4-1980, amounting to Rs. 1,470/- and also wages for the months of November, 1978 to May 1979, at the rate of Rs. 110/- per month, amounting to Rs. 660/-.

3. The opponent, in its written statement, has stated that the Government notification has fixed Rs. 132/- per month for the applicant's category as minimum wages and not Rs. 208/-, as claimed by the applicant. Regarding the period from November 1978 to May 1979, the applicant was deputed for training at the Dayanand Bhandarkar Co-operative Training Institute, Panaji for the period of 6 months and she had agreed that, during this said period, she would not receive wages since she was not working for the society. She was paid Rs. 90/- by the Training Institute and also given rent free residential accommodation. The opponent submits that it is ready to pay to the applicant the difference from 1-2-1979 to 30-6-1980 at the rate of Rs. 22/- per month, amounting to Rs. 374/- only.

4. In her rejoinder the applicant has denied that it was agreed that she would not be paid wages during the training period and added that training was part of her duty and so she is entitled to claim her wages for the said period.

5. The Court framed the following issues:

"1. Does the W/A prove that she has to undergo Training as a part of her duty or that she is to be considered to have been on duty for the period of Training and in the affirmative, what are the Wages to which she is entitled to?

2. Do the EE/OO prove that she is not entitled for any salary as such for the period of her Training and was categorically informed of this condition and had agreed to the same?

3. Do the EE/OO prove that the W/A was paid Rs. 90/- for the period of her Training by the Training Institute and she was given Rent Free Quarters for her accommodation and that was all she was entitled to for her Training period and not for her Salary as a Clerk?

6. On 26-8-1980 the Court delivered an interim award, directing the Opponent/Employer to pay to the applicant the difference of salary as prescribed by the Government Notification at the rate of Rs. 180/- per month considering the month of 26 days, from 1-2-1979 to 30-6-1980.

7. When the case was fixed for evidence, the applicant's rep. submitted an application to the Court stating that, since the major portion of the applicant's claim has been covered by the Interim Award passed by the Court, she does not want to pursue the remaining part of her claim and therefore, she may be allowed to withdraw her claim and the case be disposed off. The application was granted by the Court and the following order was passed.

ORDER

The Interim Award passed by the Court on 26-8-1980 to be treated as final award as the applicant has withdrawn her claim for the remaining part of her application and the case is disposed off, with no order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal/
Labour Court

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN
AND DIU, PANAJI-GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/24/79

1. Workmen — Party I
V/s.

1. M/s. Sanjivani Bagayatdar
Sahakari Saunstha Ltd.

2. Asstt. Registrar — Party II
Co-operative Societies.

Workmen/Party I represented by Adv. A. Nigalye.

Employer/Party II No. 1 represented by Adv. S. V. Joshi.

Employer/Party II No. 2 represented by Adv. Mulgaonkar.

Panaji. Dated: 8-7-1983.

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its order No. IRM/CON/(34)/79/IT-5/79, dated 20-9-1979. The schedule annexed to the Order of reference reads as follows:

"Whether the action of the management of M/s. Sanjivani Bagayatdar Sahakari Saunstha Co-operative Society Ltd., Panaji, in terminating the services of S/Shri. Ramchandra D. Kalangutkar, Narendra Vinayak Kamat, Vithoba Mahadev Shet, Shyam Gaonkar, Sitaram B. Naik and Navan Shetye with effect from 20-2-1979, is legal and justified?

If the answer be in the negative, to what relief if any, are the aforementioned workmen entitled to?"

2. The case of the workmen, as per their statement of claim, is as follows:

They were employed in the employer society at its Regd. Head Office at Panaji, four as Clerks and 2, namely Sitaram and Nauso, as peons; all were permanent employees; the employer society is mostly engaged in providing credit facilities to its members, development of agricultural lands, manufacture of sugarcane products like jaggery etc., and its field of operation is the territory of Goa; it is one of the major and leading co-operative societies in this Union Territory and its financial position is quite sound. On 22-2-1979, the employer/society, by a verbal order, terminated the services of the workmen with immediate effect, without any reason and for no mis-

conduct. The workmen protested in writing before the Management, but with no result. They then approached the Labour Commissioner's office; conciliation proceedings were taken up, in which, at the request of the employer society, the representative of the Registrar Co-operative Societies was also joined, but the latter attended only once and stated that the dispute was in no way connected with them, as the services of the workmen were terminated by the employer society. The Labour Commissioner then submitted a failure report to the Govt. and hence this reference. It is submitted that the action of the employer society in terminating, by verbal order, without any reasonable cause and for no misconduct, the services of the workmen is illegal and unjustified. The employer society is still in existence and carrying on its business. The employer society has also violated the provisions of Section 25F of the I. D. A., 1947, in short the Act, which is of mandatory nature. Without prejudice to the above submissions, it is further submitted that the workmen are entitled to get their services transferred to other societies, if and when the employer society is amalgamated and divided and the assets and liabilities are divided among the other societies, which amalgamation or division has not yet taken place. It is prayed that they may be reinstated with full back wages and continuity of services in the employment of the employer society or its successors in interest.

3. The employer society has stated that, by order dated 20-11-1976 of the Assistant Registrar Co-operative Societies, the employer society was amalgamated with several other societies. Clause No. 14 of the above order directed the employer society to dispense with the staff employed by them without providing for their absorption in the other societies. In view of the amalgamation order, the activities of the employer society came practically to a stand still and, by virtue of the said order, there was no alternative to the employer society but to terminate the services of the workmen since there was no work to do in the society. It is submitted that the Asstt. Registrar is a necessary party to decide the present dispute and give proper relief to the workmen and, hence, he should be added as a party and directed to produce all the documents regarding amalgamation and also to make provision for the employment of the workmen.

4. The workmen, in their reply, have stated that the employer society is still in existence and they have not objected to the Assistant Registrar being made a party to the proceedings.

5. By order dated 17-4-1980, the Asstt. Registrar was added as a party to the proceedings. He raised objection to his joining as a party for reasons mentioned in his application.

6. Following issues were framed by the Tribunal:

"1. Whether the workmen/party I prove that the termination of the services of S/Shri Ramchandra B. Kalangutkar, Narendra Vinayak Kamat, Vithoba Mahadev Shet, Shyam Gaonkar, Sitaram B. Naik and Nawan Shetye is illegal and not justified?

2. Whether the workmen/party I prove that in case the reply to issue No. 1 is in the affirmative, that they are entitled to some relief and what relief?

3. Whether the workmen/party I prove that the employer/society/party II is still in existence and carrying on its business?

4. Whether the workmen/Party I prove that they are entitled to get their services transferred to other societies, successor in interest to the employer society if and when the employer society is amalgamated and divided and its assets and liabilities are divided among the said other societies?

5. Whether the employer society/party II proves that, by Order dated 20-11-1978 of the Asstt. Registrar of the Co-operative Societies it was amalgamated with several other Societies?

6. Whether the employer/society/Party II proves that by the order of the Asstt. Registrar, it had to dispense with the services of their staff?

7. Whether the employer/society/Party II proves that the assets and liabilities of the employer society have been transferred to the other societies and that it was the duty of the Asstt. Registrar to provide for the alternate employment to the workmen or for payment of compensation to them?

8. Whether the employer/party II proves that the Asstt. Registrar of Co-op. Society is a necessary party to this proceeding?

9. Whether the Asstt. Registrar proves that he cannot be a party in this dispute?

10. Whether the Asstt. Registrar proves that this Tribunal has no jurisdiction to entertain this reference?

11. What relief?"

7. Issue No. 10 was not pressed by Opponent No. 2 and hence it was dropped. As the parties did not want to lead any evidence on the remaining preliminary issues, arguments were heard and the objection raised by the Asstt. Registrar was dismissed by my order dated 11-11-1981.

8. Workmen's representative led his evidence by examining one of the workmen and the employer society examined Shri Jaisingh Rao Rane, Chairman of the society.

9. The workman examined, in his statement before the Tribunal, has confirmed the facts stated in the statement of claim and produced Exh. W-1 to W-4. Exh. W-1 is the letter dated 20-2-1979 addressed by the workmen to the Chairman of the Society asking him to give them employment in the amalgamated societies with continuity of service. A copy of this letter was forwarded to the Labour Commissioner and to the Registrar Co-operative Societies. Exh. W-2 is the letter dated 21-2-1979, addressed by the workmen to the Chairman of the employer society in continuation to the letter Exh. W-1 drawing his attention to the fact that the termination of their services without any reasonable cause and without following the procedure prescribed by law amounts to wrongful dismissal and the employer will be liable for all the consequences arising out of such dismissal. A copy of this letter was also sent to the Labour Commissioner and the Registrar Co-operative Societies. Exh. W-3 is the failure report dated 31-7-1979 submitted by the Labour Commissioner to the Secretary, Industries and Labour. Exh. W-4 is the advertisement published by the employer society in the issue of Gomantak dated 26-5-1979 asking the loanes to pay the amounts of their loans fallen due within 15 days from the date of publication, failing which they will be dealt with as per law.

10. Shri Jaisingh Rane, the Chairman of the employer society, has also given his statement on behalf of the society. He has stated that the Registrar Co-operative Societies, by his order dated 20-11-1978, amalgamated the employer society with many other societies named in the order. All the assets and liabilities of the employer society were, by virtue of this order, distributed among the amalgamated societies. Clause 14 of this order directed that the services of the staff of the employer society be dispensed with. Accordingly, the services of the workmen concerned were dispensed with. No arrangements were made for their employment anywhere else, nor was any provision made for the payment of any amount due to them for their removal from services. Since the main business of the society is of loans and the same is stopped, the society does not require any staff and also has no income to maintain such staff.

Regarding the advertisement published in the issue of Gomantak, he has explained why it was published and stated that it was meant for the information of the members that the amount of loans were to be paid directly to the society and not to the Sanjivani Sugar Factory who till then were their collecting agents. He has further stated that, after this advertisement, they have collected about Rs. 30,000/- to Rs. 40,000/-. One peon has been retained on temporary basis to open and close the office. The witness visits the office twice a week for returning documents deposited by the members and supplying them the necessary information. There is no ill will between the society and the workmen, whose services were terminated only due to the Registrar's order.

In his cross, he had admitted that all the removed workmen were putting up more than one year's service; that no termination letter was issued to them nor any retrenchment compensation, gratuity or other dues were paid or offered to them at the time of termination of their services; the meeting of the Board of Directors of the Society are still held once in 6 months or once in a year; the last meeting was held more than one year back (the statement of the witness was recorded on 9-12-1982). The shares and funds of the society are debited to the amalgamated societies but some societies have not accepted the shares. The account of the society in the Goa State Co-operative Bank is still being operated in the name of the society. The final

order of amalgamation has been already passed, although it is not on record. He has not objected to reinstatement of workmen provided the Registrar revives the business of the society and provides funds.

11. It is an admitted fact that the concerned workmen were working in the employer society for more than one year and that the employer has terminated their services by verbal order, without any previous notice and without paying or offering them any compensation by virtue of retrenchment, gratuity or notice pay. It is also an admitted fact that the services of the workmen were terminated not because of any misconduct committed by them but only because the Assistant Registrar, in the order of amalgamation of the society dated 20-11-1978, in its clause 14, directed that the services of the workmen be dispensed with. The said clause 14 reads as follows:

"The services of the staff employed in the Sanjivani Bagayatdar Sahakari Saunstha shall be dispensed with in terms of service rules if any or condition of appointment by the Bagayatdar Saunstha with effect from 30-11-1978 unless and until their services are accepted by other societies involved under amalgamation".

From this clause it is clear that the services of the concerned employees were to be dispensed with in terms of service rules if any or condition of appointment by the employer society.

Under Section 25F of the Act, the workman, at the time of retrenchment, had to be paid retrenchment compensation and notice pay as provided in the said section

and under Section 39 of the Shops and Establishment Act, 1973, they had to be paid also gratuity calculated in terms of the said provision. It is well settled law that non compliance of the requirements of section 25F renders the retrenchment invalid. Similar is the position regarding the non compliance of Section 39 quoted above, while terminating the services of the employees concerned under the said Act. Being so, the termination of the services of the concerned workmen is not valid and hence they are to be deemed as in continuous service till today, and paid of all their dues.

12. Since the employer society is virtually closed because of stoppage of its business, due to its amalgamation with other societies, it may not be possible for the employer society to maintain in services the said workmen. However, the employer society should try, in consultation with the Assistant Registrar whose order has given rise to this situation, to get the services of the said employees absorbed in the amalgamated societies and, in case this is not at all possible, then they should be retrenched now by a fresh order, after due compliance with all the requirements of law.

13. In the premises above, I answer to the order of reference holding that the termination of services of the concerned workmen is illegal. Costs of Rs. 100/- to be paid by the employer society to the concerned workmen.

Dr. Renato de Noronha

Presiding Officer

Industrial Tribunal